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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,318	10/30/2001	Akira Koike	SCEIYA 3.0-097	8369
530	7590	12/17/2003	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ASHBURN, STEVEN L	
			ART UNIT	PAPER NUMBER
			3714	7
DATE MAILED: 12/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/020,318

Applicant(s)

KOIKE, AKIRA

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6. 6) ☐ Other: \_\_\_\_\_

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## ***DETAILED ACTION***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Terajima et al., Japanese Unexamined Patent Application Publication 7-302159 (Nov. 14, 1995).

*Terajima* discloses a pressure-sensitive controller for a video game system that controls the game based on the operation amount and time of the controller.

Regarding independent claims 1, 6: *Terajima* discloses the following features of the claims:

a. Determining the force applied to an object displayed on a screen from a force applying means displayed on the screen according to the output value from the pressure-sensitive operating unit. In particular, *Terajima* senses pressure via a through a pressure sensitive switch. *See fig. 1-4; ¶¶ 5-10.* Force applying means displayed on the screen according the output value of the operating unit may be the impact force of game character striking another character. *See; ¶¶ 45, 105.*

Hence the claims are unpatentable because *Terajima* anticipates every feature.

Regarding independent claims 11 and 12: *Terajima* discloses the following features of the claims:

a. A program executing device for reading and executing a program stored in a recording medium. In particular, *Terajima* discloses a controller for controlling game characters and

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objects displayed on a screen in a video game played on a electronic video game machine. *See* ¶¶ 1, 99, 105. A video game machine is a program executing device for reading and executing a program stored in a recoding medium.

b. An operating device connected to the program executing device and having pressure-sensitive operating unit for outputting an operating request by an operator to the program-executing device. *See id.* It is implicit that the operating device is connected to the program-executing device in order to communicate data from the device to control a game character.

c. A display device having a screen for displaying an image output from the program-executing device. *See id.*

d. A storing unit storing a program for executing processing with an output value from the pressure-sensitive operating unit according to an operating pressure applied thereto, said program including determining the force applied to an object displayed on a screen from a force applying means displayed on the screen according to the output value from the pressure-sensitive operating unit. In particular, *Tejajima* senses pressure through a pressure sensitive switch. *See fig. 1-4; ¶¶ 5-10.* Force applying means is displayed on the screen according the output value of the operating unit may be a game character impacting another character. *See; ¶¶ 45, 105.* It is implicit that the video game disclosed by *Terajima* is comprised of a program in a storing unit.

e. An executing unit for reading and executing the program stored in the storing unit. *See ¶¶ 1, 99, 105.* It is implicit that the video game system disclosed by *Terajima* includes an executing unit, such a central processing unit, for reading and executing the program containing the instructions comprising the video game.

Hence the claims are unpatentable because *Tejajima* anticipates every feature.

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Regarding claims 2 and 7: *Terajima* discloses determining an amount of change per unit time of the output value, wherein the force is determined based on the amount per unit time. *See fig. 3, 4; ¶¶ 51-53, 57, 100.*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Terajima* in view of *Koshiba et al.*, U.S. Patent 6,040,840 (Mar. 21, 2000).

Regarding claims 3 and 8: *Terajima* discloses determining the force on object displayed on a screen according to the output value of a pressure-sensitive controller. *See supra.* The reference describes all the features of the claims except deforming an object based on the output of the controller. Although *Terajima* does not anticipate this feature, it would have been obvious to an artisan in view of *Koshiba*.

*Koshiba* discloses an analogous system in which a user manipulates objects on a screen using a controller. In particular, it describes deforming an object based on the output of a controller. *See col. 1:56-60.* In view of *Koshiba*, it would have been obvious to an artisan at the time of the invention to modify the system disclosed by *Terajima*, wherein determining the force on object displayed on a screen according to the output value of a pressure-sensitive controller, to add the feature of deforming an object based on the output of the controller. As suggested by *Koshiba*, deforming objects displayed on a computer screen allows designers to model the size and shape of a product before deciding on the final

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design. *See col. 1:7-11.* Furthermore, as suggested by *Terajima*, using a pressure-sensitive controller, which responds to both the force and time of user inputs, allows more complex control of such objects when displayed on a screen. *See fig. 3, 4; ¶ 100.*

Regarding claims 4 and 9: *Koshiba* discloses an object being clay and a force-applying means being a hand. *See fig. 18; col. 1:66-2:2, 12:44-45, 15:41-55.*

Regarding claims 5 and 10: *Koshiba* discloses a force-applying means being a human hand or tool used by a human, and wherein the shape of the object is readily deformed by the hand or tool. *See id.*

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1148.

s.a.



MARK SAGER  
PRIMARY EXAMINER